

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 21-CR-1578-DHU

CHRISTIAN QUINTANA,

Defendant.

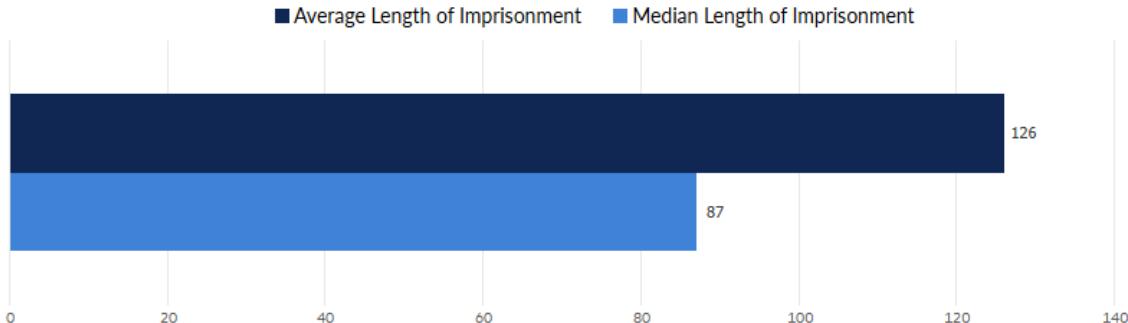
DEFENDANT'S ADDENDUM TO HIS SENTENCING MEMORANDUM

In his haste to get the Defendant's Sentencing Memorandum (Dkt. No. 64) (filed June 13, 2024) on file as quickly as possible, counsel for Defendant Christian Quintana neglected to include routine sentencing-statistics data. This data is centrally relevant to "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct," 18 U.S.C. § 3553(a)(6), and is highly favorable to Christian.

Nationwide, over the most recent five years of data available, the median length of imprisonment given to an non-§ 5K1.1-receiving offender sentenced under § 2A3.1 (the far-more-serious of the two base guidelines used in Christian's calculation) with an offense level ("OL") of 38 and a criminal history category ("CHC") of II is a mere 87 months — less than half of the 180-month (15-year) sentence that the defense is requesting here. The mean sentence for such offenders is 126 months.

Average and Median Length of Imprisonment for Defendants in Selected Cell Who Received a Sentence of Imprisonment (excluding §5K1.1)

Fiscal Year 2019-2023



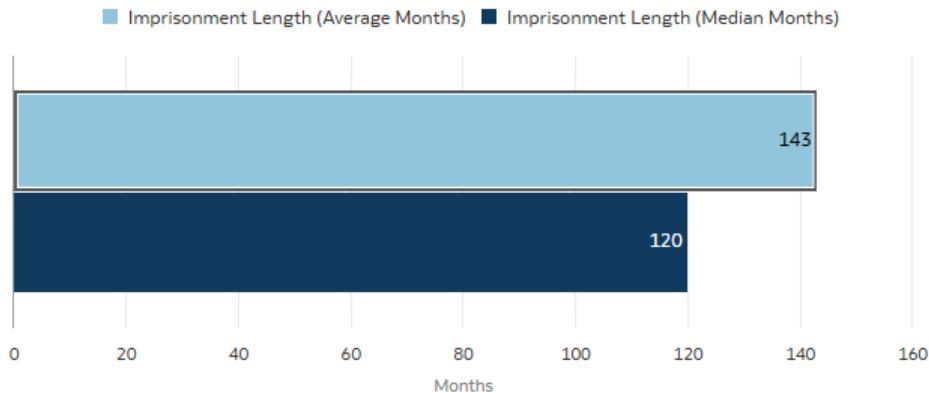
U.S. Sentencing Comm'n, *Judiciary Sentencing Information (JSIN)*, <https://jsin.uscc.gov/> analytics/saw.dll?Dashboard (select “§2A3.1” from the “Primary Guideline” drop-down menu, and click the cell for OL 38 and CHC II) (full data sheet for this cell attached as Exhibit 1 to this Addendum).¹

In that same time period in New Mexico the mean and median sentences given to CHC II offenders sentenced under § 2A3.1 are 143 and 120 months, respectively:

¹ As noted, § 2A3.4 is a far less serious guideline and rarely produces OLs as high as 38. As a result, there were an insufficient number of cases meeting these criteria to be reported in JSIN. See JSIN (select “§2A3.4” from the “Primary Guideline” drop-down menu, and click the cell for OL 38 and CHC II) (full data sheet for this cell attached as Exhibit 2 to this Addendum).

Average and Median Imprisonment Length

Fiscal Year 2019,2020,2021,2022,2023



The figure includes the 11 cases reported to the Commission. Cases missing information necessary to complete the analysis were excluded from this figure. Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. The information in this figure does not include probation or conditions of confinement as described in USSG §5C1.1.

FILTER:

Fiscal Year: 2019,2020,2021,2022,2023; Circuit: All; State: All; District: New Mexico; Race: All; Gender: All; Age: All; Citizenship: All; Education: All; Crime Type: All; Guideline: §2A3.1; Drug Type: All; Sentencing Zone: All; Criminal History: II; Career Offender Status: All

U.S. Sentencing Comm'n, *Interactive Data Analyzer (IDA)*, <https://ida.ussc.gov/analytics/saw.dll?Dashboard>

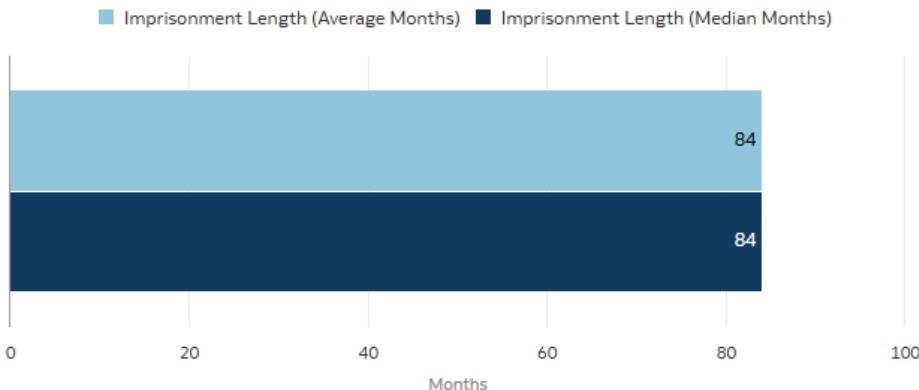
Dashboard (on the top horizontal menu bar, go to “Sentencing Outcomes” and then “Sentence Length,” and on the left-hand vertical field, select the drop-down menu choices for 2019-2023 in the “Fiscal Year” field, “§2A3.1” in the “Primary Guideline” field, and “II” in the “Criminal History” field).²

In-district sentences for offenders meeting these parameters has plummeted in the most recent year of data (2023), to a mean and median of 84 months:

² There was only a single case in that time period (2019-2023) in New Mexico in which a CHC II offender was sentenced under § 2A3.4, and that offender received a mere 6 months. See *IDA* (select the drop-down menu choices for 2019-2023 in the “Fiscal Year” field, “§2A3.4” in the “Primary Guideline” field, and “II” in the “Criminal History” field). Expanding that search to *all* CHCs (I through VI) yields 14 cases with both a mean and media of 63 months. See *id.* (select the drop-down menu choices for 2019-2023 in the “Fiscal Year” field, and “§2A3.4” in the “Primary Guideline” field).

Average and Median Imprisonment Length

Fiscal Year 2023



The figure includes the 2 cases reported to the Commission. Cases missing information necessary to complete the analysis were excluded from this figure. Sentences of 470 months or greater (including life) were included in the sentence average computations as 470 months. The information in this figure does not include probation or conditions of confinement as described in USSG §5C1.1.

FILTER:

Fiscal Year: 2023; Circuit: All; State: All; District: New Mexico; Race: All; Gender: All; Age: All; Citizenship: All; Education: All; Crime Type: All; Guideline: §2A3.1; Drug Type: All; Sentencing Zone: All; Criminal History: II; Career Offender Status: All

IDA (select just “2023” in the “Fiscal Year” drop-down menu, along with “§2A3.1” in the “Primary Guideline” field, and “II” in the “Criminal History” field).

What all this means is that not only is a 15-year sentence the fair and just sentence when considering Christian as an individual, but it is also fully consistent with (and actually harsher than) what the bulk of federal judges are doing in the heartland of completely guidelines-comparable cases.

Respectfully submitted,

HARRISON & HART, LLC

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Attorneys for the Defendant

Exhibit List

Ex. 1: *JSIN* Data Sheet for CHC II, OL 38 Offenders Sentenced Under § 2A3.1 (2 pages)
Ex. 2: *JSIN* Data Sheet for CHC II, OL 38 Offenders Sentenced Under § 2A3.4 (1 page)

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of June 2024, I filed the foregoing Addendum electronically via the Court's CM/ECF filing system, causing a copy of it to be served on all counsel of record.

HARRISON & HART, LLC

By: /s/ *Carter B. Harrison IV*
Carter B. Harrison IV